MINUTES - REGULAR MEETING
SANTA MARIA CITY COUNCIL

CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA

SEPTEMBER 4, 2012

INVOCATION:
Pastor Carl Nielsen of Bethel Lutheran Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Cordero led the Pledge of Allegiance.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Cordero, Orach, Patino and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Haydon, City Attorney Trujillo, Director of Community Development Appel, City Librarian Housel, Interim Police Chief Martin, Fire Chief Orr, Director of Recreation and Parks Posada, Director of Utilities Sweet, Director of Administrative Services Visé, Director of Public Works/City Engineer Whitehead, Deputy City Manager Lara, and Chief Deputy City Clerk Garietz.

Mayor Lavagnino announced that tonight's City Council meeting would not be airing live due to technical difficulties with the media equipment.

1. PROCLAMATIONS/PRESENTATIONS:

A. "NATIONAL LITERACY MONTH"
Councilmember Cordero read a proclamation declaring the month of September 2012 as "National Literacy Month" in the City of Santa Maria, encouraging all the residents of Santa Maria to increase community literacy by becoming members of the Central Coast Literacy Council, participating in the upcoming Spelling Bee on September 15, 2012, becoming a tutor, or becoming a literacy learner. The proclamation was accepted by Beth Wonson, the Central Coast Literacy Council Executive Director.

B. "PEACE WEEK"
Councilmember Patino read a proclamation declaring the week of September 14 through 20, 2012, as "Peace Week" in the City of Santa Maria, and encouraged all residents to participate in this year's activities. The proclamation was accepted by Commander Craig Ritz on behalf of the Peace Week Committee.

2. PUBLIC COMMENT
There were no requests to speak.

3. CONSENT CALENDAR
Councilmember Boysen indicated that he had a conflict and would be abstaining from voting on Item 3C, Payment of Warrants.

Councilmembers Cordero, Patino, Boysen asked that Item 3F be pulled for comment.

Councilmember Patino also asked that Items 3E, 3F, 3G, 3H, and 3I be pulled for comment.

Councilmember Orach asked that Item 3I be pulled for comment.

Item 3E – Parking and Towing Provisions
Councilmember Patino commented that over the weekend she drove by Depot Street and there were at least 30 vehicles parked on the street. She stated that the ordinance was long overdue.

Item 3F – ABC License for Bevmo!
There were general comments from Councilmembers regarding the cleanliness of the store in San Luis Obispo, Bevmo!'s operations and training, and questions regarding wine tasting, the sale of local wines, cold beverage sales, gourmet foods, and the number of employees to be hired.

Liz Zaninovich, a representative of Bevmo! responded to Council questions and confirmed that local wines would be promoted. She also gave an overview of some of the policies of Bevmo! regarding minors not being allowed in the store without being accompanied by an adult, patrons being carded if they appear to look under 50 years of age, the use scanning equipment for prevention of false identification usage, and its own decoy program. She stated that Bevmo! has a small refrigerated

section, but it does not sell fortified wines, malt liquor beer, flask-size bottles of liquor, or cigarettes. Bevmo! carries small packaged food items, fine deli meats and cheese, and caviar.

Councilmember Boysen asked Ms. Zaninovich what the approximate taxable sales amount for the store would be.

Ms. Zaninovich indicated that she was not at liberty to discuss the tax revenue.

City Manager Haydon indicated that the City's sales tax auditor indicated that similar types of stores could generate anywhere in the range of $50,000 to $100,000 per year in sales tax but that amount would fluctuate store to store.

After the general comments were made, the Council agreed that if other retailers implemented some of the policies that Bevmo! has, it would reduce a lot of the alcohol-related problems the City faces.

Item 3G – Countywide Library System
Councilmember Patino asked how the books were rotated in the library, and asked how much the City's General Fund pays for books and supplies for library.

City Librarian Housel responded that the City is in the Black Gold library co-op which includes Santa Barbara, Lompoc and Paso Robles. If the catalog indicates that the City's library co-op owns the book, it will come to Santa Maria if it is checked out, and if the book is not owned by the City library co-op, the book would have to be requested from another City's catalog on loan. The library also takes requests for purchase if there is a book that is suggested that the City buy. She also responded that approximately $100,000 is allocated for purchasing books and materials.

Item 3H – Bid Award
Councilmember Patino asked how the frequency for overlay on the streets was determined, and where did the funding for road improvements come from.

Director of Public Works Whitehead responded the streets selected for overlay were based upon the condition of the pavement. The majority of the work that was done on an annual basis was preventive maintenance. Mr. Whitehead indicated that when the road deteriorates, then an overlay of asphalt was necessary. He stated that the funds came from a grant from the State under the Proposition 1B program which are bond funds for transportation purposes only.

Item 3I – Notice of Completion
Councilmember Patino commented that people should go and see the new Fire Stations No. 3 and No. 5. The new facilities are outstanding.

Councilmember Orach stated that people should also see the 9/11 World Trade Center steal memorial at both Fire Stations.

Consent Calendar Items 3A through 3I (except 3C) were approved on motion by Councilmember Cordero, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Consent Calendar Item 3C was approved on motion by Councilmember Cordero, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: Councilmember Boysen

A. ORDINANCES.
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES.
The Minutes of the Regular City Council Meeting of August 21, 2012, were approved as submitted.

C. WARRANTS.
Warrant Nos. 174670 to 174904 totaling $902,964.08 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 174607 and 174613 were cancelled.

D. PAYROLL.
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. TOWING AND PARKING PROVISIONS.
The City Council conducted the second reading by title only of Ordinance No. 2012-14 approving an amendment to Section 7-5.11 of the Santa Maria Municipal Code to specifically allow impoundment of parked vehicles that exceed the permitted time in limited time parking zones and that park in no stopping zones.

Ordinance No. 2012-14 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING SECTION 7-5.11 OF THE SANTA MARIA MUNICIPAL CODE TO AUTHORIZE IMPOUNDING OF PARKED VEHICLES THAT EXCEED PERMITTED TIME IN LIMITED TIME PARKING ZONES AND IN NO STOPPING ZONES.

F. ALCOHOLIC BEVERAGE LICENSE.
The City Council made a finding of public convenience in the matter of the issuance of a Types 21 (Off-Sale General) and 42 (On-Sale Beer and Wine) alcoholic beverage licenses for Bevmo! (Beverages & More), 1309 S. Bradley Road, SP-2012-029.

G. COUNTYWIDE FREE LIBRARY
Resolution No. 2012-107 was adopted approving an agreement with the County of Santa Barbara for the operation of the Countywide Free Library System for 2012-13.

Resolution No. 2012-107 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE COUNTY OF SANTA BARBARA, THE CITY OF LOMPOC, AND THE CITY OF SANTA BARBARA TO PROVIDE FOR THE OPERATION OF A COUNTYWIDE FREE LIBRARY SYSTEM.

H. AWARD OF BID.
Resolution No. 2012-108 was adopted awarding the bid and approving an agreement with G. Sosa Construction, Inc., in the amount of $490,120.64, for the 2013 Street Overlay and Concrete Improvement Project, Bid No. 2013/02.

Resolution No. 2012-108 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH G. SOSA CONSTRUCTION, INC. FOR BID NO. 2013/02, 2013 STREET OVERLAY AND CONCRETE IMPROVEMENT PROJECT.

I. NOTICE OF CONTRACT COMPLETION – BID NO. 2011/04.
The City Council accepted the public improvements and approved the Notice of Contract Completion for Northwest Fire Station No. 3, Bid No. 2011/04, and directed the Chief Deputy City Clerk to record the Notice.

PUBLIC HEARINGS:

4. APPEAL BY GENERAL DEVELOPMENT CO., L.P. OF THE PLANNING COMMISSION'S APPROVAL OF AN EXPANSION TO THE CROSSROADS CENTER (PD-2012-0001, E-2012-0004) AND OF AN AMENDMENT TO A PLANNED DEVELOPMENT PERMIT FOR CROSSROADS CENTER I (PD-97-03, E-95-68). Director of Community Development Appel asked the City Council to continue an advertized public hearing regarding an appeal of the Planning Commission's approval of the expansion of the existing Crossroads Shopping Center located on Bradley Road south of Betteravia Road. The expansion includes three new building pads totaling 27,700 square feet, two new sign towers, landscaping, and parking. Mr. Appel indicated that there was too much information to analyze and therefore was not prepared to hold the appeal hearing this evening.

Mayor Lavagnino indicated that the applicant of the Planned Development Permit, Weststar, has asked for a longer extension and suggested that the public hearing be continued to October 16, 2012.

The public hearing and appeal were continued to October 16, 2012, on motion by Councilmember Cordero, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Public Hearing and appeal were continued to October 16, 2012.

REGULAR BUSINESS:

5. **ADOPT RESOLUTION ESTABLISHING MEASURE U2012 CITIZENS' OVERSIGHT COMMITTEE FORMATION AND SETTING FORTH GUIDELINES AND DUTIES OF THE COMMITTEE.** City Manager Haydon gave a presentation as detailed in the written Council Agenda Report. The City Council considered adopting a resolution establishing the Measure U2012 Citizens' Oversight Committee formation and setting guidelines and duties of the committee, and directing staff to advertize for Committee vacancies later this calendar year. On June 5, 2012, the electors of the City of Santa Maria approved Measure U2012 which provides for an additional one-quarter cent transactions and use tax. On June 5, 2012, Santa Maria residents approved Measure U2012 with 63.91 percent of the vote. Section 3-8A.14 of Measure U2102, ratified as Ordinance No. 2012-11, states that the City Council shall establish a five-member Citizens' Oversight Committee prior to October 1, 2012, define the scope of the Committee's responsibilities, and appoint a quorum of members to the Committee. Staff recommended that Committee members be nominated by individual Councilmembers, appointed by the Mayor, and confirmed by the City Council. It was also recommended that Committee members serve a four-year term and/or coterminous with the nominating Councilmember. Mr. Haydon indicated that due to the upcoming election, the Council should defer any appointments to this Committee until after the November 2012 election, and advertize the vacancies with the other annual Committee vacancies for appointment in January 2013. Members shall not be current City of Santa Maria employees, officials, contractors, or vendors of the City; and each Committee member shall be a City resident. Mr. Haydon indicated that the Committee should not have decision-making authority on spending priorities, funding sources, or financing plans. The Committee should serve in an advisory-only role to the City Council and not an advocacy role, ensuring transparency and oversight of the revenue generated by Measure U2012 and reporting on the use of said tax proceeds.

Councilmember Boysen indicated that there was some confusion from the public about the duties of the oversight committee and thought that the oversight committee would be advising on how the funds would be spent. He indicated that he was concerned about the Mayor making the appointments and inquired as to how the City's Charter plays into this. He would prefer that individual Councilmembers make the nominations and the majority of the City Council confirm the appointments to this committee, instead of the current framework where the Mayor makes the appointment, and City Council ratifies the appointments. The current practice gives the Mayor a right of veto, and conceivably to appoint all five members of this committee. He would like the Council to consider changing that practice.

City Manager Haydon commented that the City's Charter was silent on the appointment process of boards, commissions and committees. However, under Mayor Hobbs' tenure, he appointed every member to every committee. Mr. Haydon indicated that during Mayor Bunch's tenure, the process was changed to provide for nominations by Councilmembers.

Mayor Lavagnino indicated that he was not concerned with the majority of the Council confirming the individual nominations for appointment to the various committees.

Councilmember Cordero commented that he would not have issue with Councilmember Boysen's suggestion.

Joan Leon, Santa Maria Community Coalition, commented that the committee should be formed after the new Council is seated. She expressed concern that an oversight committee would not be able to advise the Council on how the funding would be spent. Ms. Leon stated that the committee should be made up of more than five members; and asked if, after a new Council is sworn in, could a new resolution with different parameters be adopted.

City Attorney Trujillo responded that a new Council could change City policy.

City Manager Haydon indicated that the establishment of a five-member committee was defined in the Measure U2012 Ordinance.

City Attorney Trujillo asked for clarification regarding whether Councilmember Boysen's suggestion was to change the Mayor's appointing authority to the Measure U2012 Citizens' Oversight Committee only or to all the City's boards, commissions and committees.

Councilmember Boysen indicated that his suggestion was specific to the Measure U2012 Citizens' Oversight Committee at this time, but would leave it up for Council consideration related to all other committees.

City Attorney Trujillo advised that consideration of the Mayor's appointing authority for all other boards and committees be agendized for a later meeting.

City Manager Haydon indicated that if it is the pleasure of the Council the words on page two of Exhibit A to the proposed Resolution No. 2012-109, in the Selection of Members section, in the second line strike the words "appointed by the Mayor."

Councilmember Patino asked about the application and whether or not the applicant would be required to state if s/he is employed by the City or has relatives that are employed by the City. She would like the application to include an optional question as to whether the applicant voted "yes" or "no" on Measure U2012. She thinks it is important to have individuals on the committee who voted "no" on Measure U2012. Councilmember Patino indicated she was under the impression that the Measure U2012 Citizen's Oversight Committee would be an advisory board, and the City would make sure through an audit that the money was spent where the City said it would be.

Mayor Lavagnino indicated that was what the election process was for and a person's vote was meant to be private.

City Manager Haydon responded that he discussed the application for appointments to boards and committees with Chief Deputy City Clerk Garietz. The application has been changed to indicate whether or not the applicant is a City employee, or related to a City employee or elected official. City Manager Haydon showed a slide that was used during public presentations in the community about the features of the tax measure, specifically pointing out that an independent financial audit would be required and a citizen's oversight committee would be formed to review the findings of the audit. He indicated that other cities that have passed local transactions and use tax measures and have oversight committees that do not have any decision-making authority and are strictly for auditing purposes to ensure that the money is spent where Council deems the City should be spending the money. He indicated that the committees also do not play an advocacy roll in deciding where the funds should be spent.

Councilmember Orach commented that there seems to be a misunderstanding that the Measure U2012 Citizen's Oversight Committee was going to decide how the money would be used. He stated that it would all be handled through the budget process.

Councilmember Boysen asked if the committee would receive a stipend.

City Manager Haydon indicated that he envisioned that the committee would meet one time per year and would be provided all of the information and materials in advance of their meeting. He stated that the Director of Administrative Services was setting up expenditure accounts with distinct account numbers, and one account where the sales tax revenue would be deposited. Anytime there are expenses associated with the revenue proceeds, they would be clearly identified in the expenditure reports. There will be no stipend provided for the Measure U2012 Citizen's Oversight Committee.

Councilmember Cordero asked the City Attorney Trujillo if the Council could be given an extension past the October 1st deadline to implement the Measure U2012 Citizen's Oversight Committee so that the policies can be developed by the new City Council. He indicated that the committee should see the information on the expenditures before the budget was passed.

City Attorney Trujillo responded that he did not have a copy of Measure U2012 and would need to review it in order to determine if there were any conflicts with the ordinance that was passed by the electorate. He indicated that the key point was that the committee be in place by the time the audit was done.

City Manager Haydon commented that the Measure U2012 Citizen's Oversight Committee would be able to meet as any other board with the positing of a notice; however, their scope would be outside of their authority to come forward and make recommendations to the City Council unless they do so as a private citizen. He indicated that the committee's function is from an auditing perspective, and not from an advocacy perspective.

Councilmember Patino asked when the City submitted the application for the SAFER Grants to hire new firefighters in relation to Measure U2012.

City Manager Haydon responded that the sales tax measure item was placed on the Council's agenda on January 17, 2012, and the City applied for the SAFER Grants in February or March 2012. Prior to

Measure U2012 being voted on in June 2012, the State Department of Finance rejected the City's Recognized Obligation Payments Schedule (ROPS) and lost $1.2 million in revenue. Staff did not know if the SAFER grants would be approved, and the City was still in a recession.

Mayor Lavagnino commented that this discussion was going beyond the scope of what was to be considered by the Council this evening. The decision tonight was to set the framework which could be changed by the succeeding City Council.

City Manager Haydon responded that the request was to set the framework for the Measure U2012 Citizen's Oversight Committee without indicating who the committee members would be. The task would be provided to the successor City Council. Staff intended on presenting a proposed expenditure plan for the proceeds of Measure U2012 beginning January 2013 within the next month for Council's consideration.

Councilmember Boysen commented that he did make promises during the passage of Measure U2012 to the employees and to his constituents to ensure that these funds would be used to provide incrementally better services for the citizens of Santa Maria.

Resolution No. 2012-109 was adopted, as amended to strike the language "appointed by the Mayor" from the page two of Exhibit A of Resolution No. 2012-109, in the Selection of Members section, establishing the Measure U2012 Citizens' Oversight Committee, setting forth the guidelines and duties of the Committee, and directing staff to advertize for the Committee vacancies later this calendar year on motion by Councilmember Boysen, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2012-109 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ESTABLISHING THE MEASURE U2012 CITIZENS' OVERSIGHT COMMITTEE FORMATION AND SETTING FORTH GUIDELINES AND DUTIES.

CITY MANAGER'S REPORT

City Manager Haydon reported on items anticipated for the September 18, 2012, Council meeting including five proclamations; Consent Calendar items regarding a Notice of Completion for Fires Station No. 5 and the Los Flores Ranch Park Open Space Management Plan contract; and Regular Business items including refinancing the City's side fund obligations bonds with CalPERS and recommendations from the Block Grants Advisory Committee for future funding for youth programs.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Boysen reported that on September 19, 2012, a debate for Mayoral candidates will be at Committee INC. and the National Day of Recovery events at Buena Vista Park, 4:00 p.m. to 6:00 p.m. He also indicated that he would like the Council to request that staff bring a report to the Council at a future meeting to consider changing the way appointments are made to the various boards, commissions, and committees by having individual Councilmembers make the nominations and the appointments are confirmed by a majority of the City Council with the appointments in January 2013. He indicated that he would like the Council to consider this item prior to the new Mayor being seated.

Councilmember Patino reported that she attended the environmental fair at the Marian Medical Regional Center, met with the Chairperson of the Ministerial Society, Rodger Wheeler, his wife, and City Manager Haydon, attended the Dorothy Laine memorial, a Peace Week meeting, attended her class reunion, the opening of the Santa Maria Air Show, visited local museums, and attended a Pilipino family reunion.

Mayor Lavagnino reported that he went attended the Marian Foundation Board meeting at Testa's Bistro, met with the City of Guadalupe's Mayor, Lupe Alvarez, flew back East for the funeral of his father-in-law, attended a CalPERS Retirement Planning seminar, and presented a proclamation to Cathy Allee at the Public Library for her retirement.

Councilmember Orach reported that he had to work, attended the Concerts in the Park, visited with his family and granddaughter, Riley Rose, to celebrate his 46th wedding anniversary, and will be attending the Police Officers' Awards Dinner at the Elks.

Councilmember Cordero reported that he attended a Peace Week meeting, the Santa Maria Air Show, toured various facilities at Vandenberg Air Force Base promoted by the Chamber of Commerce, a meeting at the Boys and Girls Club for the Fiesta, and a couple of Future Search meetings.

City Manager Haydon clarified Councilmember Boysen's earlier request to place on a future agenda appointments to boards and commissions. Councilmember Boysen moved, seconded by Councilmember Cordero to bring an item before the City Council on December 18, 2012, to consider changing the way appointments are made to the various boards, commissions, and committees by having individual Councilmembers make the nominations and appointments are then confirmed by a majority of the City Council beginning with the appointments in January 2013. Motion carried on the following vote:

AYES:	Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

CLOSED SESSION
The City Council recessed to a Closed Session at 7:49 p.m. to discuss a Conference with Legal Counsel - Existing Litigation pursuant to Section 54956.9(a) of the Government Code. Under Seal v. Under Seal, Case No. BC410135.

After the Closed Session the following report was given:

Conference with Legal Counsel - Existing Litigation: Direction to staff was provided.

ADJOURNMENT
There being no further business to come before the City Council at this time, Councilmember Patino declared the meeting adjourned at 8:00 p.m. in memory of Dorothy Laine.

APPROVED

September 18, 2012
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Mayor of the City of Santa Maria

ATTEST

Chief Deputy City Clerk